

Just Cause

A new community-based court in the East Valley aims to uplift minor offenders instead of incarcerating them.

JUDGE J. MATIAS TAFOYA sits in his office at Mesa Municipal Court and points to a stack of case files 7 inches high. "That's one person," he says. The man is an alcoholic, he says. Since 2005, he's been in and out of jail, usually on trespassing charges for things like eating outside a restaurant whose owners didn't want him loitering. But jail is not an effective treatment for alcoholism, or for the other problems that likely plague this man. Incarcerating him has cost the city an estimated \$500,000 to \$600,000, Tafoya says. Yet he never got what he needed: help.

It's for people like him that, in July, Mesa opened Arizona's first community court. The 40-odd community courts around the country do not incarcerate minor offenders — i.e. people accused of trespassing or low-level drug possession — but connect them with housing, health services, counseling, job training and more. They're based on the premise that the problems that lead people to court — including mental illness, homelessness and addiction — "can't be solved by police alone," Tafoya says. "It's a community issue."

Mesa's community court was the brainchild of attorney Heather Hamel, founder and co-director of Justice That Works (JTW). The nonprofit seeks to end mass incarceration in Arizona, which has the fourth highest imprisonment rate in the country. "Our notion of justice that the system has sold us is really, really limited," she says. "It's told everybody that in order for justice to happen, you have to put somebody in a cage, instead of expanding all the options for justice that actually exist."

A jail sentence, even for a minor offense, can set in motion a cascade of negative events. Incarcerated people can lose their jobs, homes and custody of their children. And a prison record is like a portable prison that can trap people for the rest of their lives by making it extremely difficult to find work or housing. This increases the chances that poverty, homelessness and substance abuse will land them behind bars again. "The system is designed to keep you cycling into [jail]



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and out, then in and out, or sometimes never out," says Lola Levesque, co-director of JTW.

Michael "Renaissance" Moynihan, another co-director of JTW, was caught in this cycle of incarceration before he got support, turned his life around and earned two bachelor's degrees. "If instead of focusing on incarceration," he says, "they invested in people early on to help them develop and identify what the issues are, we would have much better outcomes."

With this in mind, Hamel met with Tafoya and Mesa court administrator Paul Thomas three years ago to convince them to open a community court. They were sold im-

mediately, but it took years of restructuring to make the vision part of the Mesa Municipal Court system. MMC handles misdemeanors, and a majority of cases relate to homelessness — trespassing for sleeping on a bench, or

a theft charge for stealing food or water from a business' hose, Thomas says. "These are social

problems. So just because the system, the way it is, defines it as a criminal offense doesn't mean we have to."

While many municipalities allow only certain offenses to qualify for community court, Mesa takes a "broader and bolder approach," Thomas says. When police or other Mesa courts process anyone they think would benefit from social services, they refer them to community court. Defendants can request to be referred, and the court even helped a walk-in who hadn't committed a crime. Tafoya also takes court services to Paz de Cristo community center to meet homeless people where they are.

Community court meets twice weekly and sees about 25 cases per docket. Defendants are referred to nonprofits (with their own sources of funding) offering physical and mental health care, substance abuse support, housing and job services. Charges are typically dismissed if the defendant participates in these programs. Already, the court has helped people get necessary identification and find work. Tafoya says one homeless woman was transformed by becoming employed. "She had pride. You could see it in her."

Thomas sums up the court's innovation: "The justice system isn't set up to fix social problems. So we're changing the justice system."

By **KERIDWEN CORNELIUS**

Illustration by **ANGELINA ARAGON**

COMMUNITY PROS

People who went through Seattle's community court committed 66 percent fewer offenses within 18 months. Those who went through other courts committed 50 percent more offenses, according to a 2009 study.

Adults who went through Red Hook Justice Center in Brooklyn were 10 percent less likely to commit new crimes than those processed in traditional courts. Juveniles were 20 percent less likely to re-offend.

After the cost of running the court, Red Hook Justice Center saved taxpayers an estimated \$6.8 million in 2008, including avoided costs for re-offenses.

Sources: Justice Management Institute, Center for Court Innovation